

Affidavit of Service of Summons or Subpoena: Personal or Alternative
Methods: Corp. or Ind.: Military Service, 10 pt. type, 1-95

COURT UNITED STATES DISTRICT COURT
COUNTY OF SOUTHERN DISTRICT OF NEW YORK
BIND-RITE SERVICES, INC.

Index No. 08 CIV 5713

**AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)**

CAPITAL SYSTEMS L.L.C.

Plaintiff(s)

against

Defendant(s)

IN A CIVIL ACTION, CIVIL COVER SHEET,
STATEMENT PURSUANT TO RULE 7.1, VERIFIED
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE
GABRIEL W. GORENSTEIN, INDIVIDUAL
PRACTICES OF RICHARD J. SULLIVAN

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at CORONA, NEW YORK

That on 6/27/08

at 11:15 AM., at 145 EAST 45TH STREET, NEW YORK, NEW YORK 36TH FL.

deponent served the within summons, and complaint on

IN A CIVIL ACTION, CIVIL COVER SHEET, STATEMENT

PURSUANT TO RULE 7.1, VERIFIED, INDIVIDUAL
PRACTICES OF MAGISTRATE JUDGE GABRIEL W. GORENSTEIN,
INDIVIDUAL PRACTICES OF RICHARD J. SULLIVAN

CAPITAL SYSTEMS L.L.C. defendant therein named,

INDIVIDUAL

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as

1. ☐

said defendant therein.

CORPORATION

a DOMESTIC

corporation, by delivering thereat a true copy of each to JIM RUBIO

2. ☒personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and
knew said individual to be MANAGING AGENT thereof.

SUITABLE AGE PERSON

by delivering thereat a true copy of each to

a person of suitable age

3. ☐

and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—

4. ☐usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age
and discretion thereat, having called thereMAILING TO
RESIDENCE
USE WITH 3 OR 45A. ☐MAILING TO
BUSINESS
USE WITH 3 OR 45B. ☐DESCRIPTION
USE WITH
1, 2, OR 3Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to
defendant at defendant's last known residence, at

and deposited

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly
addressed to defendant at defendant's actual place of business, atin an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the
communication was from an attorney or concerned an action against the defendant.☒ Male ☒ White Skin ☒ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.☐ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☒ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.☐ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☒ 5'9"-6'0" ☒ 161-200 Lbs.☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.☐The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional
legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).MILITARY
SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any
capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of
my information and the grounds of my belief are the conversations and observations above narrated. Upon information and
belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either
the State or in the Federal statutes.

Sworn to before me on
6/30/08

JOHN DICANIO
Notary Public, State of New York
No. 01D1497768
Qualified in Westchester County
Commission Expires Feb. 11, 2011

PRINT NAME BENEATH SIGNATURE

JUAN D. AGUIRRE

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